

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY A. DYKES,

Petitioner,

No. C 12-0888 PJH (PR)

v.

ORDER OF TRANSFER

DEPARTMENT OF CORRECTION AND
REHABILITATION/WARDEN,

Respondent.

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court in and for Fresno County. Fresno County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at California State Prison, Solano Prison, which is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in Fresno County, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: May 25, 2012.



PHYLLIS J. HAMILTON
United States District Judge